

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LEONARDO SERRANO TORRES,

Plaintiff,

-v-

TEN WESTSIDE CORP. et al.,

Defendants.

18 Civ. 330 (PAE)  
18 Civ. 7252 (PAE)

ORDER

CARLOS ENRIQUE TOJ OVALLE,

Plaintiff,

-v-

TEN WESTSIDE CORP. et al.,

Defendants.

PAUL A. ENGELMAYER, District Judge:

On October 24, 2019, the Court directed the parties in these consolidated cases to submit a separate joint pretrial order for each case by November 8, 2019. Dkt. 56. The Court “directed [the parties] to the Court’s Individual Rules regarding the submission of joint pretrial orders and associated pretrial filings.” *Id.*


The Court’s Individual Rule 5(B) sets forth “Required Pretrial Filings” for all cases. The Rule provides that “[e]ach party shall file and serve **with the joint pretrial order**: (i) [i]n all cases, motions . . . *in limine*; (ii) [i]n all cases where a party believes it would be useful to the Court, a pretrial memorandum of law; . . . (iv) [i]n non-jury cases, proposed findings of fact and conclusions of law. The proposed findings of fact should be detailed and should include citations to the proffered trial testimony and exhibits, as there may be no opportunity for post-trial submissions.” Individual Rule 5(B) (emphasis added).

The Court's Individual Rule 5(C) lists "Additional Submissions in Non-Jury Cases." The Rule provides that "[a]t the time the joint pretrial order is filed, each party shall submit to the Court and serve on opposing counsel, the following: (i) [c]opies of affidavits constituting the direct testimony of each trial witness . . . ; (ii) [a]ll deposition excerpts which will be offered as substantive evidence . . . ; (iii) [a]ll documentary exhibits." Individual Rule 5(C) (emphasis added).

On November 8, 2019, the parties filed a joint pretrial order. Dkt. 60. On November 13, 2019, the Court, *sua sponte*, set a new deadline of November 27, 2019 for the submission of affidavits constituting the direct testimony of each trial witness. Dkt. 72. On November 26 and 27, 2019, the Court received via ECF: witness affidavits, from plaintiffs and defendants; exhibit lists and electronic copies of exhibits, from defendants only; and proposed findings of fact and conclusions of law, from defendants only. *See* Dkts. 63–66; No. 18 Civ. 7252, Dkts. 74–82.

The Court accordingly orders plaintiff to comply fully with the Court's Individual Rules, including by submitting, at minimum, all documentary exhibits and proposed findings of fact and conclusions of law, **by December 5, 2019 at noon.**<sup>1</sup> The Court further directs *all* parties to submit their documentary exhibits in tabbed, single-sided binders **by December 5, 2019 at noon.** The final pretrial conference remains scheduled for December 6, 2019.

SO ORDERED.

  
Paul A. Engelmayer  
United States District Judge

Dated: December 2, 2019  
New York, New York

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<sup>1</sup> The Court has already had to warn counsel for plaintiffs in this case that their repeated failure to adhere to deadlines may result in sanctions, including dismissal for failure to prosecute. *See, e.g.*, Dkt. 58.